

Response

A. Introduction

Claims 1-16 were pending in the application prior to entry of the preceding amendments, and *claims 1-19* are pending now. The Examiner initially rejected claims 1-16, contending (1) all claims are anticipated by U.S. Patent No. 6,152,481 to Webber, et al. and (2) claims 1-9 and 14-16 are also anticipated by U.S. Patent No. 6,517,110 to Butters, et al. Because Applicants believe the Examiner's rejections of at least independent claims 1 and 14 lack *prima facie* basis, they have not amended either of these claims.

B. The Claims

1. Independent Claims 1, 8, and 14

Referenced in independent claim 1 is a protective device comprising an inflatable cushion having first and second portions. As recited in the claim, "inflation of the second portion commences *before* inflation of the first portion." Claims 8 and 14 are similar, with claim 14 further describing the first portion as comprising "at least one inflatable node extending outward from the second portion." As noted in the application:

Gas generated by or via inflator 22 enters tube 42 in . . . portion 26 of curtain 18, travelling within tube 42 to inflate it. As gas travels within tube 42, it encounters nodes 46, with some of the gas diverting to fill the nodes 46.

See Application at p. 6, ll. 25-27.

According to the Examiner, the restraint assembly of the Webber patent includes an inflatable cushion having first portion 150 and a second portion 142. *See Office Action at p. 2.* Clear, however, is that these portions inflate *simultaneously*

rather than Applicants have claimed. Unlike Applicants' invention, in which the second and first portions inflate somewhat *serially* (see also new claim 17), the two portions of the device of the Webber patent inflate *in parallel*, with the inflation gas "forking" prior to reaching first portion 150 and second portion 142 so as to reach the portions concurrently. *See, e.g.*, Webber, col. 7, ll. 35-40 (describing "forking" of inflation gas). Indeed, the word "simultaneously" is used at least *five* times in the Webber patent to describe the inflation process. *See id.; see also id.*, ll. 49-50 ("*Simultaneously*, the stiffening device 42 inflates with the cushion portion 50."); col. 9, l. 64 to col. 10, l. 2; col. 10, ll. 10-11; col. 11, ll. 33-38. The Examiner thus simply is wrong in contending that inflation of second portion 142 commences before inflation of first portion 150.

The same reasoning applies to the shield of the Butters patent as well. As noted therein, deployment of the shield causes both first portion 12 and second portion 11 to expand, seemingly in parallel. *See* Butters, col. 7, ll. 32-37; Figs. 1A-B. Applicants accordingly submit that no *prima facie* basis exists for rejecting any claim of the application and request that claims 1-19 be allowed.

2. Dependent Claims

Additional bases support allowance of various dependent claims of the application. Claim 4, for example, refers to use of "a bonded construction . . . *to manage the transfer of gas between the first and second sections.*" Although assemblies of the Webber and Butters patents may (at least arguably) include bonded constructions, any such constructions are not used to manage gas transfers between the first and second sections, as no gas transfers between the sections occur.

As another example, the Examiner contends in respect of claim 8 that the Webber patent discloses braided material having “a non-uniform shape.” *See* Office Action at pp. 2-3. The Examiner provides ***no support whatsoever*** for this contention. Indeed, no support exists in fact for this contention, as the Webber patent merely refers to tensioning device 128 as being of “braided tubular structure.” *See* Webber, col. 10, ll. 28-31.

Yet another example is provided by new claim 18, in which the first portion (whose inflation commences second) is ***below*** the second portion (whose inflation commences first) so as to provide ***torso*** protection for a vehicle occupant. *See* Application at p. 5, ll. 10-11, p. 7, ll. 23-27; FIG. 6. By contrast, first portion 150 of the Webber patent is ***above*** second portion 142, and first portion 12 of the Butters patent is ***above*** second portion 11. This result occurs because the first portions of the Webber and Butters patents are configured to provide head--rather than torso--protection for occupants. For at least these further reasons, therefore, Applicants request that claims of the application be allowed.

Conclusion

Applicants request that the Examiner allow claims 1-19 and that a patent containing these claims issue in due course.

Respectfully submitted,

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